

REMARKS

This amendment is supplemental to the Response dated March 3, 2009. The present amendment amends the claims and makes the scope of the compositions recited in the pending method claims, i.e., Claims 1 and 9-19, the same as recited in the composition of matter claims, i.e., Claims 22 *et seq.*

This amendment is consistent with the agreement reached with Examiner Murray during the telephone interview conducted on March 18, 2009 in which it was agreed that Applicants would file a Supplemental Amendment. Applicants' attorney wish to thank Examiner Murray for the courtesy extended during the interview with Applicants attorney and for his helpful comments.

Examiner Murray indicated that, as amended, the definition of heterocyclic is acceptable. In addition, Examiner Murray and applicants discussed a potential ambiguity in the definition of R^1 especially since there is an $(R^1)_m$ and $(R^1)_q$ in the definition, and the amendment requires (R^1) to be in the 5 or 7 or both positions of the ring to be halo. Thus, this Supplemental Amendment has distinguished the two R^1 's by amending one of them to R^8 . Examiner Murray indicated that such an amendment should be acceptable.

In accordance with the discussions had at the interview, Applicants deleted the terms "anti-oxidant" and "a targeting moiety" from Claims 1 and 22.

Although not discussed during the interview, to avoid confusion, Applicants have renamed the terms SR^4 in Claim 22 and SR^2 in Claim 1 as SR^7 in Claim 22, while maintaining the definition previously given for R^4 and R^2 , respectively in their respective claims. In addition, Applicants have amended the term "m" to be 1 and 2, consistent with the provisos. Support is

found on Page 2, Lines 26-33, which defines that R'(m) may be located at positions 5 and 7, thereby being consistent with "m" being 1 or 2.

Further, it should be noted that Applicants have amended withdrawn Claims 1, 9-19 and 34 so that the scope of these compositions in the withdrawn claims is the same as in the present application. This was discussed in the telephone interview with Examiner Murray, who indicated that he may rejoin the process claims if they are of the same scope as the examined claims. Thus Claims 1, 9-19 and 34 have been so amended so that the compositions therein are of the same scope as in the claims currently examined. In particular, it is respectfully requested that Claims 1, 9-19 and 34 be rejoined with the elected claims, Claim 22 *et seq.*

Applicants have cancelled without prejudice Claims 2-8, 20-21 and 29-33. Applicants have not abandoned the subject matter therein and reserve the right to file a divisional application directed thereto.

Although not claimed during the invention, Applicants note that the nitrogen atom in position 3 of the ring, as originally amended, does not have enough substituents around it to fulfill its valency. Applicants have thus rewritten the compound of Formula Ia so that R⁸ is now bonded to both the nitrogen atom in the 3 position and the carbon atom in the 2 position of the ring. Support is found in the instant specification. As originally defined, the compound of Formula Ia was defined to include (R¹)_q to be bonded to the ring at positions 2 or 3 or both positions 2 and 3 thereof and q is 1 or 2 and (R¹)_m refers to substitution at positions 5 and 7 of the ring. To avoid confusion, Applicants have renamed the R¹ associated with (R¹)_q as (R⁸). Thus, as originally defined, using the new definition, R⁸ is substituted at positions 2 and 3 of the ring, whereas each R⁸ is the same or different and is as defined in Claims 1 and 22, respectively.

No new matter has been added to the application.

Applicants incorporate by reference the arguments provided in the Response filed March 3, 2009. It is respectfully submitted that the amendment and the remarks in the previous Responses dated March 3, 2009 and April 13, 2009 together with the amendments and comments herein address the outstanding rejections. The arguments and the amendments to the Abstract and to the Claims of the aforementioned previous Responses are incorporated by reference.

It is noted that the USPTO has not made of record the Information Disclosure Statement that was electronically submitted to the USPTO on September 5, 2008. The items as listed therein are found in PRIVATE PAIR. Applicants are resubmitting the PTO-1449 form and request that the USPTO considers these items.

In view of the Amendments to the Claims in the present Supplemental Amendment as well as in the Responses dated March 3, 2009 and April 13, 2009, and the Remarks herein and in the aforementioned Responses, it is respectfully submitted that the present case is in condition for allowance, which action is earnestly solicited.

Respectfully submitted,



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